

 <p style="text-align: center;">Council Communication Office of the City Manager</p>	Date	April 26, 2010
	Agenda Item No. 55 Roll Call No. <u>10-</u> Communication No. <u>10-222</u> Submitted by: Jeb E. Brewer, P.E., City Engineer	

AGENDA HEADING:

Hold hearing for vacation and conveyance of a small segment of street right-of-way lying south of Buchanan Street and west of Pennsylvania Avenue to Divine Temple Church of God in Christ for \$500.

SYNOPSIS:

Recommend vacation and conveyance of such property to Divine Temple Church of God in Christ, John W. Quinn, Pastor, 707 Buchanan Street, Des Moines, Iowa, 50316, for \$500. This action is required by Iowa law prior to making a final determination on the proposed sale by resolution. There is no current or anticipated need for this property. The purchase of this property will allow Divine Temple Church of God in Christ to resolve an encroachment of their existing parking lot on excess City street right-of-way.

FISCAL IMPACT:

Amount: \$500 (Revenue)

Funding Source: Sale proceeds will be deposited into the Property Maintenance Endowment Fund, SP767, ENG980500. The first \$175,000 of annual proceeds to the Property Maintenance Endowment Fund will be returned to the General Fund (GE001, ENG040700) to offset the operating budget of the Engineering – Real Estate Division.

ADDITIONAL INFORMATION:

On October 26, 2009, by Roll Call No. 09-1915, the City Council received a recommendation from the City Plan and Zoning Commission that a small segment of street right-of-way lying south of Buchanan Street and west of Pennsylvania Avenue be vacated and sold subject to the following condition:

- 1) Provision of easements for all existing utilities until such time they are relocated at the buyer’s expense.
- 2) Any use of the right-of-way in common with the adjoining property is subject to compliance with a Site Plan as approved by the Permit and Development Center.
- 3) Combination of all commonly owned parcels into one parcel for the off-street parking site.
- 4) Any right-of-way along Buchanan Street should be 11 feet from the back-of-curb (1 foot behind the sidewalk) and 13 feet from the back-of-curb (3 feet behind the sidewalk) along Pennsylvania Avenue.

Divine Temple Church of God in Christ has submitted an offer to purchase the above referenced property for \$500, which is equal to the estimated restricted use fair market value. The size of this parcel is

approximately 6,359 square feet, and it is being sold subject to the conditions listed above plus a no-build restriction. To have the no-build restriction released in the future, the buyer will be required to pay the then-current unrestricted use fair market value of the property, plus associated publication and recording costs. Any future release of the no-build restriction is subject to approval by City Council. The purchase of this property will allow the buyer to assemble the vacated street right-of-way with their adjoining property to alleviate encroachment of their existing parking area on excess City right-of-way.

PREVIOUS COUNCIL ACTION(S):

Date: April 12, 2010

Roll Call Number: 10-505

Action: On vacation and conveyance of a small segment of street right-of-way, south of Buchanan Street and west of Pennsylvania Avenue, to Divine Temple Church of God in Christ for an off-street parking lot and incorporation into existing site, \$500, (4-26-10). Moved by Coleman to adopt. Motion Carried 7-0.

Date: October 26, 2009

Roll Call Number: 09-1915

Action: Regarding request from Divine Temple Church of God in Christ, 707 Buchanan Street, to vacate segments of right-of-way adjoining their property, subject to conditions. Moved by Vlassis to receive and file and refer to the Engineering Department, Real Estate Division. Motion Carried 7-0.

BOARD/COMMISSION ACTION(S):

Date: October 15, 2009

Roll Call Number: Plan and Zoning Commission

Action: Recommend approval of request from Divine Temple Church of God in Christ to vacate a small segment of street right-of-way lying south of Buchanan Street and west of Pennsylvania Avenue subject to conditions.

ANTICIPATED ACTIONS AND FUTURE COMMITMENTS: NONE

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